IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 2481 OF 2003.
IN
SUIT NO. 2156 OF 1996.

Smt. Vijaya V. Ghosale.] .. Plaintiff

Versus

Mr.Arvind Kosambia & Ors.] .. Defendants

Mr.P.G. Lad for the plaintiff.

Mr.M.P. Rege for the defendant Nos.1 and 2.

Mr.Milind Shewale i/b Ghanekar & Co. for defendant Nos.3 to 5.

CORAM: ANOOP V. MOHTA, J.

DATED: 12TH SEPTEMBER, 2005

P.C. :

1. Heard. Considering the averments made in the Notice of Motion whereby original defendant Nos.3, 4 and 5 have prayed for revocation of the order dated 7th February, 2003, passed by the Prothonotary & Senior Master. As no Written Statement was filed by the defendants Nos.3, 4 and 5, the suit stood transferred to the list of undefended suits. Heard counsel appearing for the parties. Admittedly, there is a delay of more than four months in taking out the present Notice of

Motion. The averments made in the Affidavit in support of the Notice of Motion show that the Advocate was unable to attend the Office of the Prothonotary & Senior Master when the matter was called out. As averred, the Written Statement of defendant Nos.3, 4 and 5 was prepared and ready. Considering this, I am inclined to allow the present Notice of Motion in terms of prayer clauses (a) and (b). However, this will be subject to costs of Rs.5,000/- to be paid and shared equally by the plaintiff and defendant Nos.1 and 2, within two weeks from today, as a condition precedent. Defendant Nos.3, 4 and 5 to file their Written Statement within one week from today.

. Notice of Motion is accordingly disposed of.

[ANOOP V. MOHTA, J.]

[srpasha@hc]